

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1430 OF 2021

ANAND S/O DADABHAU KEDAR
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicant : Mr. S. S. Shinde and S. K. Agrawal
APP for Respondent-State : Ms. Vaishali Patil Jadhav
.....

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 09-02-2022.

ORDER :

1. The applicant is apprehending his arrest in connection with Crime No.115 of 2021, registered with MIDC Police Station, Jalgaon, for the offences punishable under Section 307, 326, 452, 427, 143, 147, 148, 149 of IPC.
2. Heard learned Advocate Mr. S. S. Shinde nad S. K. Agrawal for applicant and learned APP Ms. Vaishali Patil Jadhav for respondent-State. In order to cut short, it is stated that all of them have made submissions in support of their respective contentions.
3. Perusal of the FIR lodged by one Akshay Bhaskar Sonwane on

28-02-2021 in respect of an incident that had alleged to have occurred around 07.00 p.m. on 27-02-2021 would show that the name of the present applicant is not stated. The co-accused had assaulted after unauthorizedly entering the house of the informant, by forming unlawful assembly armed with deadly weapon and in order to kill his father had assaulted him by shovel on his head. The informant and others were assaulted by sticks. Informant received injury to his head, nose, forehead, left hand etc.

4. A photocopy of remand report dated 20-05-2021 has been produced wherein it is stated that the present applicant is absconding. Another fact to be noted from the order passed by the learned Additional Sessions Judge while rejecting the anticipatory bail application filed by the present applicant is that that it was his second bail application which came to be rejected on 25-10-2021. His first anticipatory bail was rejected by the said Court on 07-05-2021, and it is mentioned that even after that order, the present applicant is absconding. Still it is to be noted that this Court had granted interim relief to the applicant by order dated 03-12-2021 and asked the applicant to report to the Investigating officer on 13-12-2021 and 14-12-2021 between 11.00 a.m. to 01.00 noon.

Thereafter, on 20-12-2021 none appeared for the applicant and a statement was made by learned APP that the applicant has not attended the police station. Still this Court continued the interim relief granted to the applicant. Again on 12-01-2022 none were present for the applicant and instead of dismissing the application, the matter was adjourned by recalling of the interim relief granted to the applicant on 03-12-2021. Thereafter, on 24-01-2022 learned Advocate Mr. S. S. Shinde submitted that Advocate Ms. Sejal Agrawal was having personal difficulty, and therefore, the matter was adjourned to 08-02-2022. On 08-02-2022 it was inquired with the learned Advocate Mr. Shinde as to why the applicant had not remained present before the Investigating Officer on 13th and 14th December 2021, as per the order of this Court. It was told that the learned Advocate Ms. Agrawal had personal difficulty and could not inform the said fact to her client. This cannot be the way to work out the matter. When interim protection was granted, and it was for the Advocate to inform what order has been passed. So also it is equally important for the client i.e. the applicant to make inquiry as to what order has been passed on his application. Thereafter, there was no attempt to remain present, so also there was no statement made that now he would obey that order. Thus, it can be seen that

the applicant is not only absconding but he has no intention to abide by the terms of the bail, and therefore, on this count, the bail application stands rejected.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-